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| 10/723,727 | 11/26/2003 | Fernando C. M. Martins | P16775 | 9793 |

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| EXAMINER |
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WAI, ERIC CHARLES

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| ART UNIT | PAPER NUMBER |
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2195

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09/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/723,727

Applicant(s)

MARTINS ET AL.

Examiner

Eric C. Wai

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-31 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 28-31 rejected under 35 U.S.C. 102(e) as being anticipated by Naik et al. (US PG Pub No. US 2006/0294238 A1 hereinafter Naik).

4. Regarding claim 28, Naik teaches a method of sharing resources on a grid network, comprising:

retrieving predefined policies for a grid virtual machine on a host ([0077]);

monitoring the grid virtual machine on the host to determine if the grid virtual machine violates the predefined policies ([0077], wherein the policy handler enforces policies); and

taking appropriate action if the grid virtual machine violates at least one of the predefined policies ([0078]).

5. Regarding claim 29, Naik teaches that monitoring the grid virtual machine additionally comprises allocating resources to the grid virtual machine as necessary ([0084], "sharing resources").

6. Regarding claims 30-31, they are the article claims of claims 28-29 above. Therefore, they are rejected for the same reasons as claims 28-29.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naik et al. (US PG Pub No. US 2006/0294238 A1).

9. Regarding claim 1, Naik teaches a method of sharing resources on a grid network, comprising:

configuring a host to include a grid virtual machine ([0074] lines 10-15, wherein a host computer includes a virtual machine and operating system that can support grid applications);

allocating resources on the host to the grid virtual machine (it is inherent that resources be allocated to the grid VM running on the host); and

executing a grid application in the grid virtual machine ([0074] line 14).

10. Naik does not explicitly teach a second virtual machine. However, it would have been obvious to one of ordinary skill in the art that a second virtual machine could run on the system. One would be motivated by the desire to operate another virtual machine to perform other services as indicated by Naik ([0021]).

11. Regarding claim 2, Naik teaches that allocating the resources further comprises a virtual machine manager allocating at least the portion of the resources ([0074] lines 15-16, wherein it is well known in the art that a VMM assists in mapping resources).

12. Regarding claim 3, Naik teaches that a resource manager allocates resources to the grid virtual machine to supplement the resources allocated by the virtual machine manager ([0048], wherein a hierarchy of resource managers assists in managing resources).

13. Regarding claim 4, Naik teaches that the resource manager performs dynamic load balancing on the grid network ([0048-055], wherein the resource manager can predict and forecast the load on the resources).

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14. Regarding claim 5, Naik does not explicitly teach that the second virtual machine is configured to run applications other than the grid application.

15. It would have been obvious to one of ordinary skill in the art at the time of the invention that a second virtual machine is configured to run applications other than the grid application. Naik teaches that each virtual machine operates as an individual machine by itself ([0021]). One would be motivated by the desire to operate another virtual machine to perform other services as indicated by Naik.

16. Regarding claim 6, Naik teaches that the grid virtual machine is isolated from the second virtual machine ([0021]).

17. Regarding claim 7, Naik teaches:

retrieving predefined policies for the grid virtual machine ([0077]); and
monitoring the grid virtual machine to determine if the grid virtual machine violates the predefined policies ([0077], wherein the policy handler enforces the policies).

18. Regarding claim 8, Naik teaches that the predefined policies include predefined resource thresholds for the grid virtual machine ([0078]).

19. Regarding claim 9, Naik teaches that a resource manager takes appropriate action if the grid virtual machine violates at least one of the predefined policies ([0078]).

20. Regarding claim 10, Naik teaches that the resource manager taking action further comprises at least one of the resource manager automatically limiting resources available to the grid virtual machine ([0078]), and the resource manager notifying a user that the grid virtual machine violated at least one of the predefined policies.

21. Regarding claims 11-20, they are the article claims of claims 1-10 above. Therefore, they are rejected for the same reasons as claims 1-10 above.

22. Regarding claims 21-24, they are the system claims of claims 1-3, 7, and 9-10 above. Therefore, they are rejected for the same reasons as claims 1-3, 7, and 9-10 above.

23. Regarding claim 25, Naik teaches a grid network, comprising:
a first host capable of running a first grid virtual machine and a second virtual machine ([0074]).

24. Naik does not explicitly teach a second host coupled to the first host, the second host capable of running a second grid virtual machine and a third virtual machine, the first grid virtual machine and the second grid virtual machine capable of simultaneously executing a grid application.

25. However, Naik teaches the concept of grid computing wherein it is inherent that multiple host computers exists in a loosely coupled fashion to perform a common task

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([0007]). It would have been obvious to one of ordinary skill in the art at the time of the invention to have a second host coupled to the first host with similar capabilities to execute a common application. One would be motivated by the desire to pool together many computing resources to perform a large task ([0006]).

26. Regarding claim 26, Naik teaches that the first host includes a first resource manager and the second host includes a second resource manager, the first resource manager and the second resource manager each capable of allocating resources to the first grid virtual machine and second grid virtual machine respectively ([0048], wherein a hierarchy of resource managers assists in managing resources).

27. Regarding claim 27, Naik teaches that the first resource manager and the second resource manager are additionally capable of retrieving policies for the first grid virtual machine and the second grid virtual machine respectively ([0077]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric C. Wai whose telephone number is 571-270-1012. The examiner can normally be reached on Mon-Thurs, 9am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng - Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EW


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